



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Scrutiny Inquiry Panel - Procurement

**At:** Remotely via Teams  
**On:** Monday, 13 September 2021  
**Time:** 10.00 am  
**Convenor:** Councillor Chris Holley OBE

#### Membership:

Councillors: P Downing, V M Evans, E W Fitzgerald, P K Jones, L R Jones, J W Jones, I E Mann, H M Morris, B J Rowlands, M Sherwood and T M White

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<b>Agenda</b>		<b>Page No.</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Disclosures of Personal and Prejudicial Interest</b> <a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>	
<b>3</b>	<b>Prohibition of Whipped Votes and Declaration of Party Whips</b>	
<b>4</b>	<b>Minutes and responses to follow up questions</b>	<b>1 - 26</b>
<b>5</b>	<b>Public Questions</b> Questions must be submitted in writing, no later than noon on the working day prior to the meeting. Questions must relate to items on the agenda. Questions will be dealt with in a 10-minute period.	<b>27</b>
<b>6</b>	<b>Procurement in the Social Services Directorate</b> Cabinet Members and Director have been invited to attend to present the report and answer questions	<b>28 - 41</b>
<b>7</b>	<b>Inquiry Project Plan</b>	<b>42 - 43</b>

**Next Meeting:** Monday, 27 September 2021 at 10.00 am

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Date: 06/09/2021**

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**Contact: Michelle Roberts, Scrutiny Officer**

# Agenda Item 4



City and County of Swansea

## Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Monday, 16 August 2021 at 10.00 am

**Present:** Councillor C A Holley (Chair) Presided

**Councillor(s)**

P Downing  
P K Jones  
H M Morris

**Councillor(s)**

V M Evans  
L R Jones  
T M White

**Councillor(s)**

E W Fitzgerald  
J W Jones

**Cabinet Members**

Cllr R Stewart  
Cllr R Francis-Davies

**Officer(s)**

Martin Nicholls	Director of Place Directorate
Chris Williams	Head of Commercial Services
Nigel Williams	Head of Building Services
James Beynon	Procurement Team

**Apologies for Absence**

Councillor(s): B J Rowlands and M White

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**1 Disclosures of Personal and Prejudicial Interest**

None

**2 Prohibition of Whipped Votes and Declaration of Party Whips**

None

**3 Minutes of Previous Meeting**

The minutes of the meeting on the 27 July were agreed.

**4 Public Questions**

There were no public questions for this meeting.

**5 Procurement in the Place Directorate**

The Director of the Place Directorate and associated Cabinet Members were invited to attend to present a report and discuss the issues with the Panel. The Panel were

informed that procurement in the Place Directorate falls within a number of cabinet portfolios. In attendance were Martin Nicholls, Cllr Rob Stewart and Cllr Robert Francis-Davies. Nigel Williams Head of Building was also in attendance to deal with any more detailed questions. The report and resulting discussion was based around a set of questions sent in advance of the meeting, namely:

1. A brief outline of what you procure in your department?
2. How do you ensure probity, competence, consistency of approach and alignment with the Councils strategies and objectives in your department?
3. As an example of point 2, can you outline who procures for your department and are all staff aware of who has the responsibility for this, is it the same person who authorises the transaction, is there a separation of responsibilities for ordering and receiving goods / services and are all staff aware of who has the capacity to contract?
4. How do you ensure that you procure cost effectively and transparently?
5. How do you ensure your department is procuring locally, ethically and that your procurement activities align with the Wellbeing of Future Generations Act? Can you also provide an example?
6. How do you ensure your departments procurement activities comply with the general Equalities Duty (as specified in Equality Act 2010 – Public Sector Equality Duty for Wales 2011)? Can you also provide an example?
7. What training is provided to your staff on procurement matters for example in the tendering process and on matters raised in questions 2-6?
8. How do you ensure any joint procurement activities consider points raised in questions 2-6?
9. How do you monitor your procurement activity especially ongoing contracts or service level agreements? How do you enforce those requirements? Can you also provide an example?
10. Is any of your department's procurement activity also externally audited, if so by whom?
11. Has leaving the European Union affected your department in relation to your procurement activities? If yes, how?
12. How do you believe the Council could improve on its procurement practices?

The report supplied will form part of the evidence pack at the end of the inquiry along with the following issues raised in the resulting discussion:

- Substantial procurement within the Place Directorate with 150million pound spend across the Directorate and has grown significantly over recent years.
- There is a combination of funding sources derived from capital sources, revenue funding, Housing Revenue Account (HRA) and grant funding sources. Each have their own processes for approval and alignment with the Council's strategies and Objectives.
- In terms of choice of procurement route, where applicable, frameworks are utilised for all procurement activities for both contractors and consultants to minimise one off procurement e.g. vary depending on the product purchased but would include the use of regional or national frameworks or separate "sell2 wales" adverts where suitable frameworks do not exist. Provides a simpler procurement process and has been embedded in some of the projects already in existence like, for example, City Deal.

- Economically most advantageous tender is taken rather than just cost. There are varying degrees on the price matrix, most common is 70% cost and 30% quality but this will vary depending on a range of aspects and what is being contracted. We do move that line upwards especially relating to benefits (example in point 6.7 of the report was given).
- Sourcing of materials and increased cost of materials has been an issue and is now recorded as Corporate Risk. This may be due to a number of things i.e.: Covid effects, leaving the EU and possibly the issues caused by the Suez Canal blockage. It is a risk as it could impact on some of our larger projects, but the council is working to mitigate the effects of these.
- We are working on our process so that we are getting the balance right between probity/procedure and not having unnecessary barriers to some smaller contractors.
- The Leader said that the localism aspect will continue to be focussed upon to ensure the moneys we spend stay as local as possible. It is a key aspect of the council's procurement strategy.
- Thanks was given to Building Services and the Procurement Team for the critical role they played in securing stocks of PPE were available throughout the pandemic, sourcing approximately 30 million items while at the same time building the Bay Hospital.
- Encouraging local suppliers through some labour only contracts, where the contractor provides labour and we supply the materials. This is one of the ways we do our best to keep money in Swansea.
- The Panel found the report informative and comprehensive and were pleased to see the Wellbeing and Future Generations Act and the Equality Act form part of the decision making process.
- Panel felt it was a positive move to have Swansea Standard and labour only projects. They were interested in finding more out about how many local firms are engaged. The Panel asked how we scrutinise these small companies and those that may be sub-contracted out by the main contractor. They heard that large project involve the HSE through completion of an F10. Those contractors who sub contract some of their work are asked to provide us with the sub contractor's details so we can do our own checks.
- Swansea council has signed up to the Ethical Employment in Supply Chains, which helps us to identify concerns.
- We do break up some contracts to make them more attractive to smaller SME's, careful consideration is always given to how this is done. We are currently part of a pilot scheme on this with the Wales Government.
- The issue of cost of the Council's building services was raised especially in relation to Schools work. The Panel were told that there is a misconception about higher pricing. That no credible examples have been put forward in the past and often external contractors will not price fully for the work, so work is not comparable like for like. Councillors were encouraged to raise any contracts they feel have been overpriced with the department who will look into it.
- How do deal with asbestos currently. The Panel were informed that we inspect and test and use contractors to do removal via an all wales framework which Swansea manage.
- How often do we review the value of our frameworks? The Panel were informed this varies but usually every 3/5 years, there is not an inbuilt review but are

automatically reviewed when there is a break in the framework. Members asked for further information on how we assess risk and suitability of contractors for the framework and whether their credit rating increases if on a framework.

- Idea of consignment stocks was raised, the Panel were informed that we do that but we have to look at the risk and ensure it is labelled properly in case any issues occur with supplier. We do stock as much as we can in our own premises.
- A number of areas of possible improvement were highlighted in the report and these will be considered for recommendation when the Panel put together their final report at the end of the Inquiry.

The Panel requested further information on the following matters:

1. Environmental aspects
  - a) Sustainability Statement - What form does this take and who puts it together? Is the Council's ecologist/s involved? Can you provide an example of a statement for context?
  - b) In section 13.6 of the report you mention the current Council pilot project, can you provide us with a little more information on that?
2. Local procurement
  - a) How many local firms have been engaged and how many of those employ local people? Could you include the number of contracts and spend?
  - b) How do we break up projects to ensure fairness and non-preferential treatment? Can you provide a little more information on the pilot project with Welsh Government and what those requirements are?
3. Frameworks
  - a) How do we check suitability and risk status of Contractors?
  - b) Do Contractors get an increased credit rating by being on a framework with the Council?

## **6 Inquiry Project Plan**

The Panel noted the updated Project Plan.

The meeting ended at 11.15 am

**Chair**

## Response from the Place Directorate

Find below the responses to the follow up questions sent to the Place Directorate following the Panel meeting with them on the 16 August.

PANEL QUERIES	RESPONSES
<p>a) Sustainability Statement - What form does this take and who puts it together? Is the Council's ecologist/s involved? Can you provide an example of a statement for context?</p>	<p><b>The example Sustainability Statement (attached)</b> is written by Penny Gruffydd, Sustainable Policy Officer, Nature Conservation Team. It is designed to set out the Council's expectations in achieving high standards of sustainable development and environmental performance for the regeneration work in the Swansea Central Area, reflecting the Swansea Central Regeneration Framework and national and local legislation. The Sustainability Statement is based on the Councils' Wellbeing Objectives, the Wellbeing of Future Generations (Wales) Act, Environment (Wales) Act and other relevant legislation. The principles are developed with colleagues from Waste Management, Energy, Procurement, Play, Nature Conservation Team and the Beyond Bricks and Mortar Team. The example Sustainability Statement from early 2020 predates the Council's Zero Carbon target, the Climate Change Charter and the now adopted GI Strategy Swansea Central Area: Regenerating Our City for Wellbeing and Wildlife (mentioned the Statement as a draft). Statements are updated and designed for each regeneration project, so future statements will reflect these and other emerging targets / strategies and policies. The Council's Ecologist has not been involved with advising on individual procurement contracts, however, the Council has recently appointed a Biodiversity Officer to ensure the Council takes fully into account its biodiversity duty in all of its actions.</p>
<p>b) In section 13.6 of the report you mention the current Council pilot project, can you provide us with a little more information on that?</p>	<p>This project seeks to review and renew our focus on social value in line with the review of procurement legislation that is being undertaken by the Welsh and UK governments (where legal changes which allow an enhanced focus on social value are being considered). The Council has already had great success in delivering socially beneficial outcomes, e.g. energy efficient homes and electric vehicles, and so this project looks to build on that success and see how we can further integrate social value criteria in our decision-making and we will review a range of models to see how they can be</p>

	<p>applied in Swansea (e.g the Welsh local government association's work in this area and its themes and outcomes model). Two pilot projects have been chosen – Bryntawe School and the Mumbles seawall defence renewal, with these projects to be tendered this autumn. The lessons learned from these projects will then be applied to all major procurements going forward.</p>
<p>c) How many local firms have been engaged and how many of those employ local people? Could you include the number of contracts and spend?</p>	<p>The most recent data (based on total Council spend in 2020-21) shows some £102m was spent with organisations operating in the Swansea area, and a further £36m in the wider south west Wales, and an additional £54m in the rest of Wales (data based on companies with an operating base with staff in these areas, for some 1700 organisations).</p>
<p>d) How do we break up projects to ensure fairness and non-preferential treatment? Can you provide a little more information on the pilot project with Welsh Government and what those requirements are?</p>	<p>Fairness and transparency are integral to our procurement process, and as mentioned we openly advertise for new providers. The rationale for this work is to enable smaller companies to bid for packets of work that suit their capacity as they often will not have the resources to take on very large projects. In practical terms this means assessing our forward programme of work and then identifying where it would be beneficial for such activity to take place and then openly tendering accordingly (thus ensuring fairness and non-preferential treatment). The Welsh Government funded project looked at barriers for smaller companies in obtaining public sector contracts and the size of the contract was identified as an issue (with a preference shown for smaller sized contracts by small enterprises, hence our activity in this area).</p>
<p>e) How do we check suitability and risk status of Contractors?</p>	<p>Supplier Suitability is carried out during the procurement stage including financial analysis. We would check both the technical competency of the supplier - so here we might ask for certain industry accreditations and or written responses to show technical knowledge - and also undertake other appropriate due diligence such as ensuring suppliers have appropriate insurance cover.</p>
<p>f) Do Contractors get an increased credit rating by being on a framework with the Council?</p>	<p>No, contractors would not get an increased credit rating by being on a framework. Credit ratings are calculated by independent companies that assess the financial accounts of suppliers using variables such as profitability, number of years of trading and debt profiles, compared against industry averages, so being on a Council framework would not in itself change that rating.</p>





## **SWANSEA COUNCIL**

# **CITY CENTRE REGERNATION PROGRAMME**

## **EXAMPLE**

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## Introduction

Swansea Council has recognised for many years that taking a sustainable development approach is central to ensuring Swansea is a great place to live now and in the future. Somewhere that is inclusive and safe and supports a prosperous and resilient economy, recognises and benefits fully from its exceptional environment and promotes good health.

This Sustainability Statement sets out the Council's expectations in achieving high standards of sustainable development and environmental performance which will seek to progress the economic, social, cultural and environmental goals as set out in the Swansea Central Regeneration Framework and in national and local legislation policies.

Swansea Council has a well-being duty under the Well-being of Future Generations (Wales) Act 2015 to improve social, economic, environmental and cultural well-being in Wales by taking action to ensure that both current and future generations meet their wellbeing needs (the 'sustainable development' principle).

The Environment (Wales) Act 2016 is designed to ensure Wales's long term well-being and to enable current and future generations to benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities. Under the Act Swansea Council has an enhanced biodiversity and resilience of ecosystems duty.

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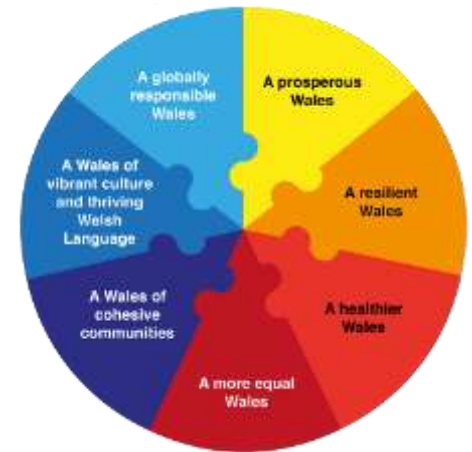
## Background

### **Well-being of Future Generations Act (Wales) 2015**

The Act requires public bodies in Wales to carry out sustainable development, the process of improving the social, economic, environmental and cultural well-being of Wales, by working toward 7 well-being goals and by planning for the long term, working better with people and communities and each other, looking to prevent problems and taking a more joined-up approach (the five ways of working).

Consultation and engagement on the Council's 2020/22 Corporate Plan identified a number of challenges:

- Population changes – a growing, ageing and more diverse Swansea.
- Economic changes – attracting investment, high quality jobs and new technology into Swansea while addressing the skills gap.



- Climate change – risks from flooding, air and water quality, dangers to ecosystems and biodiversity and energy security.
- Social and cultural changes – addressing inequalities in health, education, employment and life chances.

To address these challenges the Council has prioritised six well-being objectives:

1. **Safeguarding people from harm** – so that our citizens are free from harm and exploitation.
2. **Improving Education & Skills** – so that everyone in Swansea gains the skills and qualifications they need to succeed in life.
3. **Transforming our Economy & Infrastructure** - so that Swansea has a thriving mixed use City Centre and a local economy that will support the prosperity of our citizens
4. **Tackling Poverty** – so that every person in Swansea can achieve his or her potential.
5. **Managing and enhancing Swansea’s Natural Resources and Biodiversity** - so that we maintain and enhance biodiversity, reduce our carbon footprint, improve our knowledge and understanding of our natural environment and benefit health and well-being.
6. **Transformation & Future Council development** – so that we and the services that we provide are sustainable and fit for the future.

More information on the Act can be found here - <https://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

## Swansea PSB Local Well-being Plan: ‘Working Together to Build a Better Future’

Every local council area in Wales is legally, through the Well-being of Future Generations (Wales) Act 2015, required to have a Public Services Board (PSB) whose purpose is to work collectively to improve local social, economic, environmental and cultural well-being.

Swansea Public Services Board (PSB) is made up of four statutory members of the Board; Abertawe Bro Morgannwg University Health Board, Natural Resources Wales, the Fire and Rescue Service and the Council. The Board also involves other organisations that have an interest in the wellbeing of the area for example the police and the universities.

Each PSB is required to carry out an Assessment of Well-being to understand current levels of well-being and to produce a Local Well-being Plan in order to improve well-being. In May 2018 Swansea’s PSB published ‘Working together to Build a Better Future’ their first Local Well-being Plan. The Plan identifies four objectives for collective action underpinned by a cross cutting action:

1. **Early years:** to ensure that children have the best start in life to be the best they can be.
2. **Live well, Age well:** to make Swansea a great place to live and age well.
3. **Working with Nature:** to improve health, enhance biodiversity and reduce our carbon footprint.
4. **Stronger Communities:** to build stronger communities with a sense of pride and belonging.
5. **Cross Cutting Action:** to work towards integrated public services in Swansea by sharing resources, assets and expertise.

As a statutory member of the PSB the Council has collective responsibility with the other three statutory members for ensuring the Board improve Swansea's well-being.

More information on the Local Well-being Plan can be found here - <https://www.swansea.gov.uk/localwellbeingplan>

## Planning Act (Wales) 2015

The Act states that development and the use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The concept of sustainable development has been at the heart of the planning system for many years. Planning Policy Wales, Edition 10 maximises the contribution the planning system can make to the achievement of the Well-being of Future Generations Act (Wales), through place making and identifies five key planning principles as required that all development plan and proposals are prepared within the context of these principles. The distinctive and natural places principle recognises the fundamental role green infrastructure and ecosystem services play in placemaking and the planning systems implementation of Section 6 of the Environment Act (Wales).



The Council's Local Development Plan's policies are designed to deliver sustainable development and maximise Swansea's social, economic environmental and cultural wellbeing. Policy SD J Swansea Central Area, sets out placemaking principles for the city centre which reflect those of PPW 10, and policies all of which contribute to maximising Swansea's well-being. More information on the Local Development Plan can be found here: <https://www.swansea.gov.uk/article/48659/Adopted-Local-Development-Plan-LDP>

## Environment Act (Wales) 2016

The Act is designed to ensure Wales's long term well-being and to enable current and future generations to benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities. It positions Wales as a low carbon, green economy ready to adapt to the impacts of climate change by ensuring a joined-up legislative approach to enable the sustainable management and enhancement of natural resources, by establishing a legislative framework to tackle climate change and by clarifying / strengthening existing regulations on waste, fisheries, flooding and coastal erosion and the carrier bag charging scheme. Under the Act Swansea Council has an enhanced biodiversity and resilience of ecosystems duty (the S6 duty). To comply with the S6 duty the Council should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities. Under the Environment (Wales) Act 2016 Swansea Council has an enhanced biodiversity and resilience of ecosystems duty (the S6 duty).

In doing so, we must also have regard to:

- Section 7 list of habitats and species of principal importance for Wales.
- State of Natural Resources Report (SoNaRR), published by NRW.
- Area Statement(s) covering all or part of the area in which the authority exercises its functions, once these are produced.
- Nature Recovery Action Plan for Wales (NRAP).

Swansea Council must also prepare and publish a plan setting out what they propose to do to maintain and enhance biodiversity, and promote the resilience of ecosystems, in particular the following aspects:

- (a) the diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

More information on the Act can be found here - <https://gov.wales/topics/environmentcountryside/consmanagement/natural-resources-management/environment-act/?lang=en>

These three Acts work in tandem to improve Wales's well-being.

### **Schedule Flood and Water Management Act 2010 Statutory SuDS Standards (Wales) 2019**

From January 2019, all new developments, of more than 1 dwelling house or where the construction area is 100m<sup>2</sup> or more, will require Sustainable Drainage Systems (SuDS) for surface water. SuDS aims to manage rainfall in a way similar to natural processes, making use of the landscape and natural vegetation to control the flow and volume of surface water. SuDS can deliver multiple benefits including flood risk reduction, improved water quality, opportunities for habitat creation, enhanced biodiversity and supporting well-being through bringing people closer to green and blue community spaces. More information on the regulations can be found here:

<https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

## **United Nations Convention on the Right of a Child (1989)**

In September 2013 it was agreed that the United Nations Convention on the Rights of a Child (1989) ('the UNCRC') be embedded and become part of Council's Policy Framework and that a duty be placed on the Cabinet to have 'due regard' to the UNCRC when exercising its decision making functions in:

- The formulation of new policies and strategies for the Authority
- The review and amendment of existing policies and strategies for the Authority
- The development, confirmation or amendment of operational decisions that rest within the remit of the cabinet.

The Council's Children and Young People's Right's Scheme can be found here: <https://www.swansea.gov.uk/childrensrightsscheme>

## **Dublin Declaration on Age-friendly Cities and Communities in Europe 2013**

As Swansea is growing, the population is ageing. Soon, people aged 60 years and over will outnumber children for the first time in history. People are living longer lives, so as a city it is crucial the Council support active ageing and ensure age friendly environments are created that foster health and wellbeing, participation and are accessible, equitable, inclusive, safe and supportive (World Health Organisation, 2007).

In 2013 Swansea signed up to Dublin Declaration on Age Friendly Cities and Communities in Swansea, endorsing the principles of the WHO policies on Active Ageing and Age Friendly Cities. Amongst a number of pledges to support active ageing, the Council pledged to adopt measures to develop urban spaces and public places that are inclusive, sharable and desirable to all and meet the needs of an ageing society. The World Health Organisation's age friendly cities guidance is based on the views of older people from across the world. This holistic guide focuses on a number of key domains that make up an Age Friendly City. The guidelines can be accessed here:

[https://www.who.int/ageing/age\\_friendly\\_cities\\_guide/en/](https://www.who.int/ageing/age_friendly_cities_guide/en/)

Since 2009, Swansea Council has operated a Community Benefits Policy. Known as Beyond Bricks & Mortar (BB&M), it was developed to help tackle poverty and promote inclusion by adding value locally to the delivery of physical regeneration and large scale projects.

## **Community Benefits Policy**

The policy aims to address barriers to entering the labour market and create opportunities for all Swansea's citizens, thereby helping to lift individuals and households out of poverty. It meets the aspirations of the Wellbeing of Future Generations Act, impacting on four of the Council's five key priorities and delivering on the commitment in Swansea Council's procurement strategy.

The approach is delivering an impact on deprivation by addressing the need for more training, job placement and employment progression routes for the economically inactive and unemployed, leading to higher skilled, higher paid and sustainable jobs; encouraging more supply chain opportunities to be made available for SME's and local businesses; working with the wider community and schools.

### **Beyond Bricks and Mortar Team (BB&M)**

BB&M dedicated team identifies the Community Benefit requirements of all Council projects and procurement as part of the Council's Sustainable Risk Assessment, setting appropriate targets. BB&M focus is on:

1. Targeted Recruitment & Training: setting specific targets for training and recruitment opportunities on projects to be filled by NEETs, the long term unemployed and economically inactive, enabling them to gain skills and experience with a view to creating sustainable jobs at contract end.
2. Supply chain initiatives: BB&M encourage all successful contractors working on Swansea Council's contracts to proactively encourage local sub-contractors and participate in Meet the Buyer events to ensure local businesses have an opportunity to tender. Developers can enable this by making explicit with their chosen contractor.
3. Welsh Government Community Benefit Tool: successful contractors must complete the Welsh Government Community Benefit tool in order to capture as much data as possible on the benefits achieved from the project.
4. Other community benefits such as working with the community, any relevant community specific projects, mentoring programmes and working with local schools and colleges on educational initiatives.

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In addition to these key pieces of Welsh legislation and local policy there are a number of other pieces of legislation and policies at an international, national and local level which drive and support sustainability including:

<b>International legislation / policies of relevance</b>	<b>European legislation / policies of relevance</b>	<b>UK legislation / policies of relevance</b>	<b>Welsh legislation / policies of relevance</b>	<b>Local legislation / policies of relevance</b>
<ul style="list-style-type: none"> <li>• Convention on biological Diversity 1992</li> <li>• WHO Age Friendly Cities Guidance</li> <li>• Dublin Declaration</li> <li>• UNCRC</li> <li>• Universal Declaration of Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>• Waste framework Directive (2008/98/EC)</li> <li>• Water Framework Directive 2000/60/EC</li> <li>• Habitat Directive 92/43/EEC</li> <li>• Birds Directive 2009/147/EC</li> </ul>	<ul style="list-style-type: none"> <li>• Climate Change Act 2008</li> <li>• Wildlife and Countryside Act 1981</li> </ul>	<ul style="list-style-type: none"> <li>• Active Travel (Wales) Act 2013</li> <li>• The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011</li> <li>• Community Cohesion National Delivery Plan 2017- 2020</li> </ul>	<ul style="list-style-type: none"> <li>• Swansea Local Development Plan Draft Plan July 2016</li> <li>• Swansea Central Area: Regeneration Framework</li> <li>• Places to Live: Residential Design Guide 2014</li> </ul>



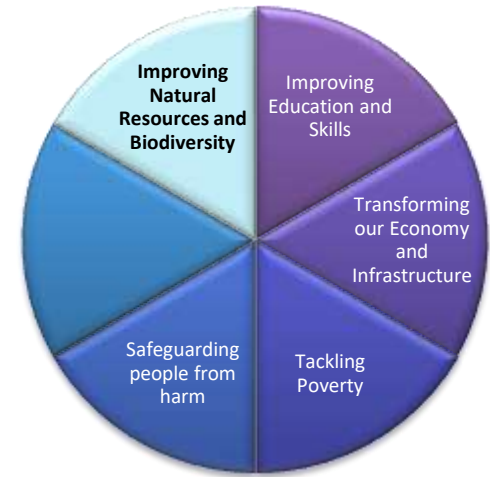
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 15</p>			<ul style="list-style-type: none"> <li>• Countryside and Rights of Way Act 2000</li> <li>• Natural Environmental and Rural Communities Act 2006</li> <li>• Natural Resources Policy 2016</li> <li>• National Nature Recovery Plan for Wales 2015</li> <li>• Welsh language (wales) Measure 2011</li> <li>• Cymraeg 2050 A Million Welsh Speakers (Welsh Ministers Strategy)</li> <li>• Children’s Rights Measure Wales</li> <li>• Welsh Government Play Policy 2002</li> <li>• Sustainable Drainage (Wales) Regulations 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Tall Buildings Strategy Supplementary Planning Guidance 2016</li> <li>• City and County of Swansea’s Energy Strategy</li> <li>• Local Biodiversity Action Plan 2005</li> <li>• AONB Management Plan 2017</li> <li>• Compliance Notice Section 44 Welsh Language (Wales) Measure 2011 City and County of Swansea</li> <li>• Countryside Access Plan 2007</li> <li>• Ageing well Plan</li> <li>• Children’s Rights Scheme</li> </ul>
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## Design principles

This section aims to enable the Council to achieve its well-being objectives and maximise the well-being opportunities of the City Centre Regeneration Programme by implementing the sustainable development principle. The principles also enable the Council to deliver elements of the Environment Act.

The principles have been set out under the well-being goals, however many will contribute to more than one goal so the benefits are multiple. The design principles also contribute to the Councils Well-being objectives. This contribution is depicted in the illustration at the start of each goal.

**A Prosperous Wales** – An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionally (including action on climate change); and which develop a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

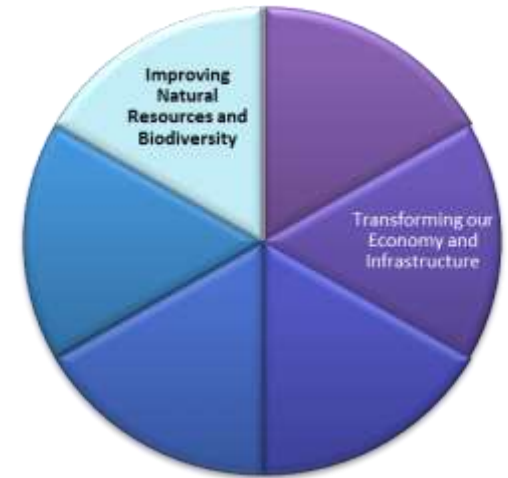


**Design principles:**

- Create high quality work and living spaces that retain talent and bring in new jobs, with a focus on retail, leisure, service and creative industries.
- Address climate change and contribute to the target 3% per annum CO<sub>2</sub> reduction through:
  - the design and layout and performance of buildings and by reducing the use of natural resources during construction and operation,
  - adopting good practise energy objectives including following the energy hierarchy, using passive measures like thermal mass, external shading / solar gain,
  - using renewable energy technologies where possible, i.e. PV, heat pump technology, solar hot water.
- Design out waste in line with the Waste Hierarchy:
  - set targets for waste reduction and recovery of individual waste streams,
  - minimum of 90% of all waste should be prepared for reuse, recycled or recovered,
  - 20% of the total value of materials to be derived from recycled, recovered or reused material,
  - monitor and measure and report waste through the construction phase using industry benchmarks / management tools.
- Manage our water resources more sustainably, grey water and rain harvesting.
- Engage with Universities and Colleges to offer placements to Graduates through Go Wales or similar schemes e.g. work taster placements of up to 4 weeks unpaid for a minimum of 4 graduates per annum, travel cost to be covered.

- Offer one 4-6 weeks paid work placement per project to graduates through Go Wales or similar schemes from Universities and Colleges nominated by Beyond Bricks and Mortar.
- Work with the Beyond Bricks and Mortar Programme to provide recruitment / training opportunities to the local workforce prior to external recruitment, any candidates identified to be given a guaranteed interview.
- Engage with SME's offering opportunities to bid for sub-contract work with organisations throughout the South West region
- Participate in educational talks or careers events with the Universities, Colleges or schools nominated by Beyond Bricks and Mortar, a minimum of two per year.
- Supply one employee per annum for a 6 month secondment to be placed with a nominated Local Authority / Authorities. Provide the opportunity for one 6 month secondment position per annum for a Local Authority employee from one of the 5 Framework Authorities to work at one of the consultancy's offices
- Participate in a Higher Apprenticeship Scheme, currently being developed through a small number of organisations by providing a minimum of 3 months placements to participants of the scheme, with a minimum of 4 placements per year should participants be available.
- Provide briefings/ training sessions for Swansea Council staff once every quarter on topics to be agreed with individual Authorities.
- Engage positively with school aged children e.g. work placements for secondary school children and college students, development of bespoke qualifications with local colleges, volunteering at local school events, visits to primary schools to engage with younger children, landscaping and building services support to regenerate school playgrounds.

**A Resilient Wales:** A nation which maintains and enhances a biodiverse natural environments with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).



**Design principles:**

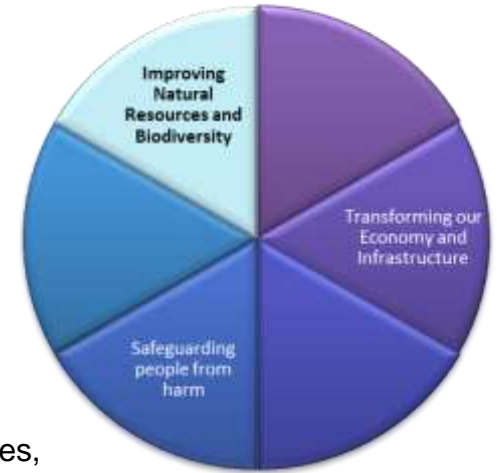
- Currently terrestrial green cover in the city centre is estimated to be around 13%. *Swansea Central Area: Regenerating our City for Wildlife and Wellbeing* in the draft Green Infrastructure strategy for the Swansea Central area The Strategy aims to create a nature-full or biophilic city with a resilient natural environment which is biodiverse and can adapt to climate change and align to economic, social and cultural considerations. The strategy objectives will be achieved by applying the 5 principles of green infrastructure:

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- multifunctional,
  - biodiverse,
  - adapted for climate change,
  - healthy and
  - smart and sustainable,
- Swansea Council has broadly mapped existing green infrastructure features and identified opportunity areas where creating or enhancing green infrastructure will have the best/most effective outcome in terms of addressing environmental problems or deficiencies e.g. air pollution or flood risk hot spots, lack of accessible green space or ecological connectivity etc. This data should be used to inform designs and enhance environmental reliance by reducing or mitigating against negative impacts and by maximising opportunities to create and strengthen green infrastructure.
  - Improve access to green space.
  - Ensure all the relevant environmental assessments / surveys are carried out, e.g. ecological surveys, flood consequence assessments, groundwater abstraction, drainage strategy and pollution to ensure the site can support healthy functioning ecosystems.

- Green cover needs to extend and strengthen the existing ground level network as well as vegetation on build structures. Design green infrastructure such as street trees, road verges, rain gardens, green roofs / facades / walls, sustainable urban drainage systems to:
  - retain and enhance existing / established green infrastructure, i.e. trees / ecological features.
  - improve ecological connectivity across the city centre and link to the wider network of green corridors within and across adjoining districts.
  - encourage biodiversity by including native species and pollinator friendly species.
  - reduce urban heating and the urban heat island effect by providing evaporative cooling, solar shading and microclimates.
  - reduce and manage flooding and recycle water.
  - remove air, noise and water pollution.
  - sequester carbon.
  
- Unitise natural water management and design in blue infrastructure / rainscaping where appropriate to reduce surface water run and meet SuDS legislation i.e. swales, rain gardens, porous paving, filter steps, grass channels and green roofs, maximising water quality, amenity and biodiversity value.
  
- Minimise environmental risks by employing a Construction Environmental Management Plan ensure good environmental practise during the construction phase i.e. reusing soil on site as appropriate, avoiding soil compaction around established trees, ensuring the preservation of existing bird and bat roosts in roof spaces.
  
- Management strategy for all ecological features and landscaping to be implemented and a monitoring strategy to be proposed, for example a Green Infrastructure Strategy and /or Ecological Management Plan.

**A Healthy Wales:** A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit health are understood.



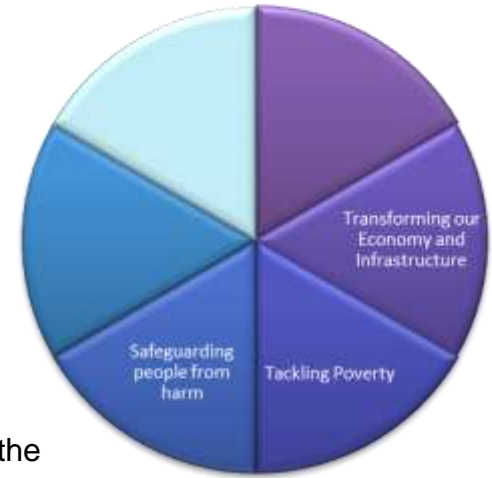
**Design principles:**

- Incorporate features which improve physical and mental well-being i.e. pedestrianised streets, cycle routes, access to recreational / green space.
- Carry out air quality and noise assessments to ensure people are not exposed to unacceptable levels of air or noise pollution.
- Encourage through the design the use of sustainable modes of transport:
  - the layout provides safe, direct and attractive routes for residents, pedestrians and cyclists which are permeable and legible, with clear landmarks which encourage orientation and ease of movement, linking with adjoining districts / communities.
  - Identify likely pedestrian ‘desired’ routes.
  - New cycle routes connect with existing cycle routes within the development site and across to adjacent districts and provide secure cycling parking facilities.
- Include electrical vehicle charging points as part of the car parking strategy to help reduce air pollution.
- Ensure the design maximises use of natural lighting / provides good levels of solar exposure as well as shade from the sun.
- Lighting of open spaces is designed to enhance the public realm, be energy efficient, provide lit routes whilst mitigating against negative impacts and preventing light pollution.

**A More Equal Wales:** A Society that enables people to fulfil their potential no matter what their background or circumstance (including their socio-economic background and circumstance).

**Design principles:**

- Access and inclusiveness to be at the heart of the design stage and comply with the requirements of the Equalities Act, e.g. visual impairment, language, learning disabilities and cultural and religious needs, and the Welsh Language (Wales) Measure 2011.
- Ensure a balance of different forms of housing including affordable housing in line with the Council's policy.
- Design public realm and recreational space to be multi-generational, i.e. accessible and welcoming to all ages and cultures.
- Play strategy to be designed to enable all ages and abilities to use the different facilities and provide informal play opportunities which are accessible to all.



**A Wales of Cohesive Communities:** Attractive, viable, safe and well-connected communities.

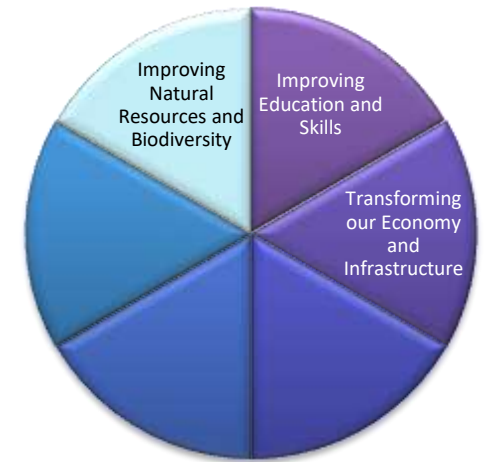


**Design Principles:**

- Deliver social benefits directly to the community in which the contractor will operate, e.g. volunteering days, landscaping and building services support to general communal areas, support for local youth groups and other community groups, providing community newsletters advising on impact of the works.
- Create distinctive, safe and vibrant spaces that encourage and promote social interaction and a range of cultural and recreational activities.
- Create safe and attractive environments with adequate lighting and good quality surfaces.
- Ensure that new residential developments are designed to be inclusive meeting the needs and providing the right services and facilities for the local community and the diversity of Swansea's wider population.
- Ensure the layout and design connect well with adjoining communities.
- Facilitate the participation of all sections of the community, to ensure the proposals strengthen and reinforce community aspirations and needs.
- New developments need to comply with current equal opportunity legalisation.
- Ensure that any consultation, questionnaires or other engagement activities are carried out over the term of the project meet the Welsh Language Standard, i.e. are providing bilingually.
- Ensure that any consultation, questionnaires and other engagement activities meet the needs of the cultural diversity of the communities involved.



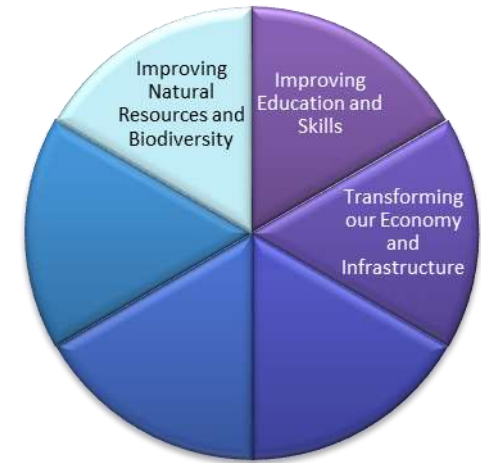
**A Wales of Vibrant Culture and Thriving Welsh Language:** A society that promotes culture, heritage and the Welsh Language, and which encourages people to participate in the arts, sports and recreation.



### Design Principles:

- Ensure the design fosters a sense of identity and local distinctiveness reflecting Swansea's natural, built heritage and diversity of language and culture in the past and present.
- Public art fosters a sense of identity and local distinctiveness i.e. past and present industry, the natural environment.
- Enhance the appearance of listed buildings and other landmarks of specific cultural and / or historical relevance to increase local heritage value.
- Design in the option to use public realm and greenspace to host a range of events and well as for recreational use.
- Include local / welsh / traditional materials in the design palette and use local skills and processes in their construction / application wherever possible to support local and traditional skills and industries.
- Ensure that any signage displayed during the construction process are bilingual with Welsh first, in line with the Welsh Language Standard.
- Ensure that any signage in public buildings are bilingual with Welsh first, in line with the Welsh Language Standard

**A Globally Responsible Wales:** A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of wales, takes account of whether doing such a thing may make a positive contribution to global well-being.



**Design Principles:**

- Developments are ‘future proofed’ using current future trends information. For example:
  - buildings and the public realm are designed for the long term, with flexible spaces which can be adapted for change of use.
  - provision is built into the design for future technologies as far possible, i.e. connection points for future district heating systems.
  - provision is made for the changes in Swansea’s demographics including migration and ageing population.
  - Maximising innovation potential of local knowledge economy i.e. connections with the higher education establishments locally and globally.
- Buildings to be certified under the internationally recognised Building Research Establishment Environmental Assessment Method (BREEAM).
- Public realm projects to be managed using an international recognised sustainability assessment for infrastructure scheme like CEEQUAL / BREEAM Infrastructure
- Take and ecosystem service approach to the sustainable management of water, land and waste, making the best of use of virgin natural resources, and use recycled materials.
- Adopt a sustainable procurement approach to ensure best value for money on a whole life bases by supporting local supply chains, using low carbon, sustainable and ethically sourced goods (i.e. FSC certified timber) to reduce carbon and the use of natural resources and support fair trading.
- This Statement includes a number of sustainable procurement criteria and is aligned to BS ISO 2040000:2017. However a separate more detailed Sustainable Procurement Plan will need to be developed in line with the Standard to meet the requirements set out under *BREEAM Mat 03: Responsible Sourcing of materials* including aims, objectives and targets to guide and monitor sustainable procurement activity, including

the use of recycled / recovered materials, supporting local supply chains. The content and implementation of the Sustainable Procurement Plan will be monitored as part of the Sustainability Tracker and will track the Plan's contribution to social, economic, environmental and cultural sustainability.

- Other standards such as FSC timber, Fair trade, Rainforest Alliance or similar where applicable for the procurement process or materials / products to demonstrate social, environmental and economic sustainability.

## Applying the Ways of Working

The Well-being of Future Generation's (Wales) Act 2015 asks that in carrying out sustainable development, public bodies practise the following five ways of working; by taking a long term approach, considering the impact that our actions will have on future generations, by working together in a joined up way to prevent problems from occurring or getting worse and by involving all stakeholders. In delivering this Sustainability Statement the Council practising the ways of working by:

Enabling early intervention by taking account of future challenges to identify and prevent problems and to as far as possible future proof the city centre.

Delivering a City Centre which is designed to meet current needs and future needs.

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Fostering open dialogue with partners and stakeholders to understand impacts and trade-offs and ensure balanced solutions.

Working collaboratively with partners and stakeholders to share knowledge, skills and experiences.

Consulting extensively with stakeholders and the local community during each stage of the Programme.

# Agenda Item 5

## Public Questions

The following public question was received following the publication on the Scrutiny Blog of the Inquiry Call for Evidence.

### Question received

*I am concerned with the lack of provision of housing for the Learning Disabled community. Is the council using the best/ most ethical companies for LD housing? Example – gentleman aged 44 still waiting for supported living within his own community.*

### Reply from Dave Howes

All of our service providers are charitable or not for profit organisations who are experienced in LD design and development. We actively encourage tender submissions from not for profit organisations and are working with regional partners to develop approaches to commissioning services which promote social value and similar ethical considerations.

We have systems in place for assessing accommodation needs and developing appropriate housing, care and support solutions. We are also developing a regional policy to ensure the support and accommodation needs of young people transitioning from children's services to adults services are anticipated. This will help to achieve more effective future planning. We are currently exploring the possibility of re-shaping some of our existing specialist adult Learning Disability services so that they can offer care and accommodation to younger people. This may expand the range of accommodation options available.

New opportunities are sometimes dependent on the availability of capital grant funding from Welsh Government as well as property that is suitable for adaptation, or availability of land for new build within the county. In some instances the mix of people within a shared setting is considered integral to the longer term wellbeing of tenants and these considerations can sometimes lead to delays in finding suitable options. However, we presently manage over 100 properties accommodating over 250 people. Later this year an additional 8 x 1 bedroom flats, and a further 4 beds within a shared house will become available. I am advised by colleagues that this is more than any other LA in Wales.

# Agenda Item 6



## Report of the Director for Social Services

Procurement Scrutiny Performance Panel – 13<sup>th</sup> September 2021

### Procurement & Commissioning–Social Services Directorate

<b>Purpose:</b>	To brief the Scrutiny Panel with a high level overview of procurement processes and activity at Swansea Council's Social Services Directorate to help inform the Panel Inquiry
<b>Content:</b>	The report gives an overview of procurement in Swansea Council's Social Services Directorate
<b>Councillors are being asked to:</b>	Consider the information given as part of the inquiry into procurement
<b>Lead Councillors:</b>	Councillor Mark Child Councillor Elliot King Councillor Alyson Pugh Councillor Louise Gibbard
<b>Lead Officer &amp; Report Authors:</b>	Dave Howes, Director of Social Services Jane Whitmore Strategic Lead Commissioner Peter Field, Adult Service Lead Commissioner Chris Francis, Child & Family Lead Commissioner Lee Morgan, Category Manager for Social Care

#### 1. Background and Context

- 1.1 In 2018 we brought together commissioning teams across the Directorate and to further develop the work around commissioning and procurement to ensure coherence with front line service delivery to enable us to;
- Progress the work to develop a single view of the customer
  - Provide a natural enabler to develop to efficiencies
  - Understand need through co-productive techniques
  - Achieve greater efficiency through common approaches and a more coherent, simple and strategic approach to contractors
- 1.2 To progress this work and share resources we created a Commissioning Hub to bring together all commissioning and contracting roles within existing teams in the Social Services Directorate.

- 1.3 It was noted that at that point in time that in order to build capacity across all areas of the commissioning cycle we would need to develop procurement expertise within the commissioning hub. Consideration of the benefits of integrating the procurement function in a formal way to drive forward transformation, ensuring we build shared skills and capacity in an integrated way of commissioning, procurement and contract management is still an area to be explored.

The current version of the Council's Contract Procedure Rules (CPR) came into effect in November 2019 and prior to this all social care contracts were exempt from the requirements of CPR. The new CPR for the Council continued to take into account the complexities of social care procurement and therefore a number of exemptions were maintained at the discretion of the Director of Social Services, these are contained within CPR 1.10.

- 1.4 All public sector procurement (including Health & Social Care) is regulated and governed by directives and legislation set out in the European Union (EU) Procurement Directives. In 2015 the Legislation which governs public procurement was also brought into force, The Directives have been implemented into national law in the UK by Regulations. The current Regulations came into force on 26 February 2015. The Regulations are The Public Contracts Regulations 2015.
- 1.5 The Public Contract Regulations 2015 contain a specific set of rules for certain social, health and education services, this is referred to as the Light Touch Regime (LTR). described in regulations 74- 76 of The Public Contracts Regulations 2015.
- 1.6 As a result, in 2015 a Category Manager from the Procurement Team was dedicated to reviewing and re-tendering contracts classed as social care (including children's, adults, prevention and education services). A Procurement Officer was assigned to assist the Category Manager in September 2016.
- 1.7 This change has had an impact on commissioning, contracting and procurement arrangements in social care; historically there was an embedded culture of relational contracting with external providers and a tradition of rolling over existing contracts and a consequence of this was not only non-compliance but highlighted a knowledge gap in relation to the procurement process.
- 1.8 This knowledge gap has been filled by the support of the dedicated Category Manager for Social Care and the integration of this role has been an invaluable resource for officers across the Social Services Directorate and as a consequence knowledge and compliance has improved.
- 1.9 An integrated commissioning, procurement and contract management approach was highlighted in the last internal audit of Social Care with the recommendation that *"Resources should continue to be allocated to ensuring all social care contracts are compliant with the Council's Contract Procedure Rules and the Public Contract Regulations 2015"*.

- 1.10 Within the Social Services Directorate, there are approximately 133 contracts in place with an approximate annual value of £66 Million. We have adopted a targeted approach to re-tendering contracts and prioritising contracts relating to service areas with large areas of spend. In addition to this spend there is also an additional approximately £25 million on residential and nursing care across the directorate.
- 1.11 This approach continues and has been expanded through the development of a Directorate work plan that enables any non-compliance issues to be addressed and ensure we have a prioritised procurement plan that can be matched against resource available to carry out this work.
- 1.12 The National Commissioning Board (NCB) working in partnership with Social Care Wales has produced guidance around a practical legal guide for commissioners and procurement officer which outlines a modern, outcome based collaborative procurement guide <https://www.wlga.wales/procurement-of-services>, in the production of this guidance the Category Manager was approached for feedback and to comment on how this would benefit the work within Swansea.
- 1.13 The purpose for this guidance was driven by the need to ensure that procurement practice supports the delivery of services in line with the intentions of Welsh Government policy and legislation relating to health and social care services.
- 1.14 The way services are commissioned and the procurement process that entails, needs to change. Understanding how a more flexible, effective and affordable service might be delivered is key to realising the central ambition and expectation of recent legislation.
- 1.15 We have been working towards this approach over the last few years but recognise there is still work to extend and formally embed as we transform services.

## **2 Impact of Covid**

- 2.1 Covid 19 has significantly impacted the contracting and procurement of Social Care services and we have worked continually with our service providers to support them to ensure they are able to deliver and support the most vulnerable within our society.
- 2.2 A Procurement Policy Note (PPN) was issued by the UK Government and endorsed by the Welsh Government in July 2020 to enable the Council to have the flexibility to ensure we continue to:
- Review contract portfolio, including those providing relief due to COVID-19 to maintain delivery of critical services.
  - Work in partnership with suppliers and develop transition plans to exit from any relief as soon as reasonably possible.
  - Work in partnership with providers to ensure sustainability/viability of contracts in the medium to long term.



- Continue to pay providers as quickly as possible to maintain cash flow and protect jobs.
- 2.3 Officers from Procurement and Commissioning Teams have worked on the impact of PANs on current contracts and worked to effectively implement the recommendations from them.
- 2.4 We continue to work to these principles outlined below which as Covid is very much still impacting Social Care 18 months on.
- Review existing contractual relief arrangements made to provide critical services
  - Review existing contracts and not just revert back to business as usual
  - Continue to pay providers promptly to maintain the market, cash flow and jobs
  - Ensure collaborative exit and transition plans are in place
  - Constructive engagement with providers to make adaptations to meet changing demand and need
  - Ensure resource allocation, roles and responsibilities are clear
  - Move towards outcome focussed commissioning
- 2.4 To adapt these principles we have had to ensure we manage the following risks
- Accept that contract waivers will need to be in place as an interim measure
  - Allocate appropriate resource in terms of a Commissioning Officer and Procurement Officer
  - Ensure Financial compliance by all to ensure all processes are in place to make payments
  - Manage impact and risk of contract terminations or failure

### **3 A brief outline of the Directorate procurement activities**

- 3.1 All of our procurement activities are tracked and monitored through a work plan which ensures there is a a prioritised procurement/commissioning plan that can be matched against resource available to carry out this work.
- 3.2 A significant of work has been undertaken to make sure we have captured all the areas for development, with a limited amount of resource to complete this.
- 3.3 Monthly meetings take place between commissioning teams and procurement to keep the work plan workplan up-to-date and;
- Ensure compliance
  - Understand and manage the risk
  - Be clear with timescales and who needs to do what
  - Understand and flag capacity issues
  - Join up work where possible to gain efficiencies
  - Feed into the People Commissioning Group
- 3.4 The workplan captures all of the commissioning activity for the Directorate and identifies **133** different areas of contracts, frameworks and service level agreements that are necessary to manage business. The annual value of

these agreements in approximately **£66 Million**, 70% is funded from Core Council budgets and 30% is funded a variety of Grants.

3.5 The table below outlines the areas of work, but as you can see the majority of contracts and spend are on Adult Social Care:

Area	Number of Contracts/ Framework Agreements/SLAs	Percentage % in each service area	Annual Value £	Percentage % in each service area
Adult Services	75	56%	£ 49,738,910	74%
Partnerships & Commissioning	45	34%	£ 8,665,800	13%
Child & Family Services	13	10%	£ 8,111,025	13%
<b>TOTAL</b>	<b>133</b>		<b>£66,515,735</b>	

3.6 The Social Services Directorate procures a broad range of services across many different client groups across the age range, from statutory services to preventative services, delivered through a variety of providers. A summary of the type of services are outlined below:

- Residential Care for older people and younger adults
- Domiciliary Care for older people and younger adults
- Day services for older people and younger adults
- Supported living services (fixed accommodation, floating support and shared lives (similar to adult family placement)
- Sheltered Housing and extra care services for older people
- Carers services
- Advocacy Services (Children & Adults)
- Sensory impairment services
- Managed account services for direct payment recipients
- Assistive technology services
- Residential care for looked after children
- Foster care placements for looked after children
- Overnight residential and foster Short Breaks services for children and young people with a disability.
- Supported accommodation for vulnerable young people, including Care Leavers and those at risk of homelessness
- Personal advisor and other support services for young people aged 16-24.
- Specialist assessment and therapeutic services
- Independent visitor service for looked after children
- Laboratory testing services (DNA and drug and alcohol testing)
- Early Intervention and prevention services for families

- Counselling services for children and young people
- Young Carers Services
- Support services for children with a disability
- Employability Services
- Family Centres and Community Support
- Third sector support services
- Other third sector services, examples included co-production, volunteer and befriending services, advice and information.

3.7 All procurement activity is supported by a qualified Category Manager and Procurement Officer.

#### **4. How the Directorate ensures probity, competence, consistency of approach and alignment with the Councils strategies and objectives**

- 4.1. In 2016 under the then Director of People a People Commissioning Group was established as a cross department group to ensure appropriate governance and oversight of commissioning arrangements. These include the People Directorate Commissioning Group. The purpose of the group was to ensure that at a senior level there was an overview of all Commissioning activity in order to support achievement of corporate objectives.
- 4.2. The People Commissioning Group is now chaired by the Director of Social Services and is a joint working group which covers all commissioning activity across Adult Services, Child & Family Services, Education and Housing thus ensuring a consistent approach for the residents of Swansea. Procurement Officers also attend this group.
- 4.3. There is a combination of funding sources derived from, revenue funding and various grant funding sources. Each have their own processes for approval and alignment with the Council's strategies and objectives.
- 4.4. Revenue funding sources are built into the council's annual budget approved by Council under each service area. Any variances would be reported via the usual performance and financial reporting and additional FPR reports.
- 4.5. Grant funding sources have their own approval process and specifics to comply with the terms of conditions that is set out within the grant offer and aligned to the purpose of which the grant is given. These funding conditions and annexed within Invitation to Tender packs and the procurement Category Manager will ensure the procurement activity complies with the relevant grant conditions and the specifics of the grant are included within the procurement documents
- 4.6. The level of support provided by the procurement Category Manager and Procurement Officer will be reflective of contract value, the vulnerability of service user's and the commercial risk.
- 4.7. Through implementing the commissioning processes, we take into account both FPRs and CPRs along with the corporate objectives, legal obligations including Social Services and Wellbeing Act, Public Contract Regulations, Wellbeing of Future Generations Act, Equalities Act and other regional and national drivers

including Social Value / Community Benefits. These requirements and referenced in contract specifications where there is an obvious link.

4.8. Typically procurement processes are designed and implemented with support from a designated social care Category Manager /Procurement Officer and re-procurement options are often sense checked with a range of stakeholders from across the council to ensure compatibility with wider corporate obligations.

4.9. Other cross department groups have been established to ensure appropriate governance and oversight of these arrangements. These include the Housing Support Grant Commissioning Group and various other working groups.

**5. Responsibility for procurement, authorisation of transactions, separation of responsibilities for ordering and receiving goods / services and the capacity to contract**

5.1 All directorate procurement activity is carried out in accordance with the requirements of the Council's Contract Procedure Rules, which outlines procedures and responsibilities relating to the procurement of goods and services.

5.2 We have devised a directorate process map that links clearly identifies what needs to happen at each stage (Appendix 1)

5.3 Across the directorate, there are Commissioning Officers and Principal Officers responsible for ensuring there are the arrangements and mechanisms in place to procure services appropriately. These individuals link with procurement officers were required to ensure this activity is conducted in accordance with the rules and regulations.

5.4 As an example, many of the individual services commissioned via the contracts and framework agreements established by Commissioning Officer and Principal Officer are then utilised by a range of other Officers and parts of the Department. For example, the decision to commission a residential care service is made by the Head of Service following a social worker assessment. The search (or tender) is then actioned by a designated Placement Officer in another part of the Service. The payment of invoices and financial monitoring is then the responsibility of the commissioning and finance teams.

5.5 Approval limits are set out in the council constitution and/or formal delegation for which detailed records are kept in line with corporate requirements. The Social Services Directorate utilises the Oracle Payment System and all staff are assigned as requisitioners and do not have any buyer roles within the directorate within the system. The Directorate has also been a major user of Contract Purchase Agreements within Oracle to further manage spending.

5.6 Individual transactions are made by different teams depending on the service type. For example care home services are via the departments Abacus system and administered by the departments SCIF team. Supported Living Services

are made via a payments system known as Illy and administered by the adult services commissioning business support team.

- 5.7 Officers are aware that there are thresholds for the signing of contracts as detailed within CPR and the appropriate use of the Council's Seal on contracts.
- 5.8 Each service area has a commissioning lead who will devise a re-procurement plan with support from procurement colleagues. Each procurement will follow an evaluation of the service type, led by the commissioning lead, to determine future needs and anticipated costs. The Procurement Category Manager will support on the procurement options available and making use of the flexibilities permitted under the Public Contract Regulations 2015 and will seek to work on innovation procurement solutions.

## **6. Ensuring we procure cost effectively and transparently**

- 6.1 We ensure we procure in this way via competitive tender wherever possible and where an exemption does not apply Market research is also a tool used to ensure contracts are cost effective.
- 6.2 Historically contracts for many services have been allowed to continue without retender under exemptions permitted by European Directives for social care services (The Public Contracts Regulations 2006).
- 6.3 The introduction of Public Contracts Regulations 2015 as mentioned above and the creation of a Category Manager post for the procurement of social care services has brought a change to procurement practice. A programme for re-procuring all services in line with new obligations is underway. This will involve open competition on price and quality, and publishing of tender notices and contact awards via Sell2Wales.
- 6.4 All tenderers are notified of the outcome and offered feedback on their tenders and all decisions are noted and filed on Share Point for future reference.

## **7. How we ensure we are procuring locally, ethically and that your procurement activities align with the Wellbeing of Future Generations Act**

- 7.1 Our services are commissioned in accordance with our legal duties under the Social Services and Wellbeing (Wales) Act 2014. This legislation is closely related to the Wellbeing of Future Generations Act 2015. Whereas the latter is concerned with improving the holistic well-being of the entire population, the 2014 Act requires us to focus on improving the well-being of those in need of care and support. Thus, the key principles within both pieces of legislation are often identical or similar: e.g. the focus on prevention.
- 7.2 The Council is committed to developing the local economy and supporting local providers. Wherever possible, local service providers are invited to quote for low value contracts and are encouraged to bid for tenders. All service providers are encouraged to register on Sell2Wales and eTenderWales to ensure that they receive notifications of upcoming procurements.

- 7.3 The Council cannot discriminate in favour of local suppliers; contracts are awarded based on the evaluation criteria set out in the invitation to quote/tender. However, we do encourage local organisations to bid for contracts with the Council.
- 7.4 As the type of activities procured are typically services which need to be delivered to individuals in Swansea, this means that service providers usually are local or at least have a presence locally.
- 7.5 We add in requirements for understanding of local needs into our specifications so we can best meet the needs of people in Swansea and promote economic growth in both local private and third sector organisations.
- 7.6 We utilise standard terms and conditions which require providers to evidence commitment to, and have company policies in-place for:
- Community benefits / social value
  - Modern Slavery
  - Equal Opportunities
  - Welsh Language
  - Safeguarding

The SQ (Selection Questionnaire) covers all the areas referenced in para 7.6 , prior to entering into contractual arrangements. All SQ questions are designed to ensure that only service providers that meet our required standards are awarded contracts, any provider failing to meet standards will be rejected from the process. The SQ is a standard document but for Social Care contracts there are specific selection questions that are asked for each contract.

- 7.7 On many occasions, we also hold “meet the ” events to encourage local engagement from providers on main contracts and support market development. One of these events was held in June for the Provision of Temporary Accommodation for Young People.

## **8 How we ensure procurement activities comply with the general Equalities Duty (as specified in Equality Act 2010 – Public Sector Equality Duty for Wales 2011)**

- 8.1 The Coporate process is followed to ensure compliance through the IIA process for screening and full reporting to understand impacts
- 8.2 Where required a more detailed stage 2 evaluation to understand equalities impacts would be undertaken. In nearly all cases, re-procurement is designed to improve rights, entitlements and access to services for people with protected characteristics. Occasionally, particularly in the context of ending services, potential for negative impacts may arise. These situations may result in detailed evaluations to understand and ameliorate the impacts to those potentially affected.

## **9 Training provided for staff on procurement and tendering process**

- 9.1 Training has been provided by the Strategic Lead Commissioner from the Directorate and Social Care Category Manager from Procurement to all commissioning teams.
- 9.2 This covers essentials in relation to procurement legislation, CPR, designing a tender process, developing specifications, different types of procedure, advertising, evaluating and scoring, contract award and giving provider feedback.
- 9.3 An introduction to TUPE course has also been created and delivered by Legal as many of the contracts in this area may involve the application of TUPE.
- 9.4 On-going support is provided by the Social Care Category Manager and the procurement officer throughout the process and the Procurement pages on StaffNet have guidance available to Officers including an Officer guide and guidance on specification writing,
- 9.5 Standard method statement questions, specification, timelines are shared amongst the teams as good practice and the Category Manager has developed a procurement time plan document to assist Commissioning Officers with the process to follow.

## **10 Joint procurement activities**

- 10.1 The people commissioning work plan enables us to identify joint procurement activities and is an enabler for transformation opportunities.
- 10.2 By working together on procurement, and on contract and supplier management, councils and their partners can make the best use of commercial skills, benefit from economies of scale, achieve efficiencies in the use of resources and realise savings.
- 10.3 Cross departmental procurement is required in the sense that the Adults service commissioning team may be procuring services which contribute to children's services objectives, (in the case of young person services or transition from children's to adults arrangements) or housing department objectives (e.g. homelessness services), as examples.
- 10.4 Procurement projects such as this will be coordinated via project boards which are led by adult services commissioning team reps, with appropriate cross departmental representation to ensure share objectives and responsibilities are met. These different groups and boards feed into the People Commissioning Group.
- 10.5 Regional commissioning and partnership arrangements are in place to oversee any wider joint commissioning responsibilities. A number of work streams are in situ under the West Glamorgan Transforming Complex Care arrangements which will address any joint procurement implications. To date regional arrangements have focused mainly on one party acting as lead commissioner by procuring on the part of partners with arrangements in place for cost sharing as appropriate.

10.6 The Procurement Category Manager is also the national Procurement representative on the National Commissioning Board, which enables a national viewpoint to also be established at a local and regional level.

## **11 Monitoring procurement activity**

11.1 The People Commissioning Group with relevant commissioning sub groups monitors procurement activity, and any issues are escalated as required and appropriate action taken.

11.2 These groups are sighted on all procurement programmes and activity and will approve the commissioning decisions that lead to procurement activity. At an individual contract level, project boards that design and implement the procurement processes typically oversee arrangements.

11.3 Individual contracts will have specifications, which describe performance requirements, and these are monitored by commissioning leads with support from contract monitoring officers. Contract Monitoring arrangements will differ across service areas but may involve a blend of data submission and analysis, service user and other stakeholder feedback and financial reporting. Where possible outcomes for service users will play a key part in understanding quality and performance.

11.4 All contracts are issued utilising the Councils standard terms and conditions for Social Care Services and if required are signed under the Common Seal of the Council. Where performance requires specific action Officers will refer to the standard conditions for the process to be followed and engage with legal and procurement if required.

11.5 Regular checking of the “contract register”, contact with the procurement and running reports on provider spend assist in the monitoring of procurement activity.

## **12 Externally Audited Procurement Activity**

12.1 Whenever funding is provided to the Council by external organisations for large grant schemes, there is an expectation that the funding will be used for the purposes provided and an external audit process ensures that those requirements are met and that the procedures used within the procurement process are robust.

12.2 The Housing Support Grant and the Children and Community Grant is audited externally as a Welsh Government requirement and carried out by the Welsh Audit Office

12.3 The last audit occurred prior to the pandemic and both were approved with only minor recommendations.

12.4 The Council’s in-house audit team regularly audits social Care procurement activity.



### **13 The effect leaving the European Union on procurement activities**

- 13.1 Leaving the European Union on 31st. January, 2020 heralded a major change in the rules and regulations relating to procurement. Whilst 'Brexit' has undoubtedly led to issues with supplies and with increased costs, the concurrent effect of the Covid-19 pandemic has also created issues which have compounded the current situation.
- 13.2 The Re-balancing the Sector white paper also proposes reducing obligations on LAs in relation to procurement of social care services but to date has provided no detail as to how or when that will occur. WG advises that further consultation on this is intended.

### **14 Improvements to Councils procurement practices**

- 14.1 The Council has developed a robust and detailed set of Contract Procedure Rules for use in its procurement activities. However, there is always an opportunity for further integration and improvement by learning lessons from current best practice.
- 14.2 Commissioning teams within the Directorate were not created or resourced to procure in the way that is currently required
- 14.3 Continued regular training around procurement and TUPE combined with greater experience will lead to procurement that is more effective. Timeliness may depend on the team's capacity to complete the commissioning processes undertaken to inform procurement activity.
- 14.4 These commissioning processes are often disrupted by the need to address immediate operational pressures. Improving commissioning processes will lead to timelier re-procurement.
- 14.5 Developing a better understanding of social value, and adapting procurement practices to do more to promote social value organisations could help to achieve objectives under s16 SSWBA and WBFGA.
- 14.6 Designing contract specifications which are outcomes focussed where possible is an ongoing challenge.
- 14.7 Maximising opportunities to involve service users and citizens in the procurement process will lead to more collaborative, co-produced services.

### **15 Conclusions/Key Points Summary**

- 15.1 To addresses requirements of the Social Services and Wellbeing Act and ensure procurement practice supports the delivery of Health and Social care services we would be seeking to develop an integrated approach which builds and shares expertise between commissioners, procurement and contract management.

- 15.2 This would help us progress transformation at pace, not only locally but on a regional footprint, to enable us to make the changes required to drive forward modern, outcome based collaborative procurement for the benefits of the people across all client groups and communities in Swansea.
- 15.3 The impact of the UK Governments Green Paper on Procurement Reform is currently an unknown factor, the decision by the Welsh Government to follow the UK Government in terms of procurement reform will have an effect on this area. The published Green Paper by the UK Government indicated the removal of the Light Touch Regime from the new rules, this can have a huge impact on the work currently being undertaken and one that could result in more contracts coming into scope of the full rules. If this is the case both Commissioning and Procurement Teams which are currently under resourced could have additional pressures upon them due to this proposed change. The Category Manager will keep abreast of development and will work closely with the Strategic Lead Commissioner to understand the effects and any changes that are needed.

#### **14. Legal implications**

- 14.1 There are no legal implications associated with this report other than those set out in the body of the report.

#### **15. Finance Implications**

- 15.1 There are no financial implications associated with this report

**Background papers: *None***

**Appendices:**

Appendix 1: Process map for procuring services

**Process – Purchasing of goods / services**

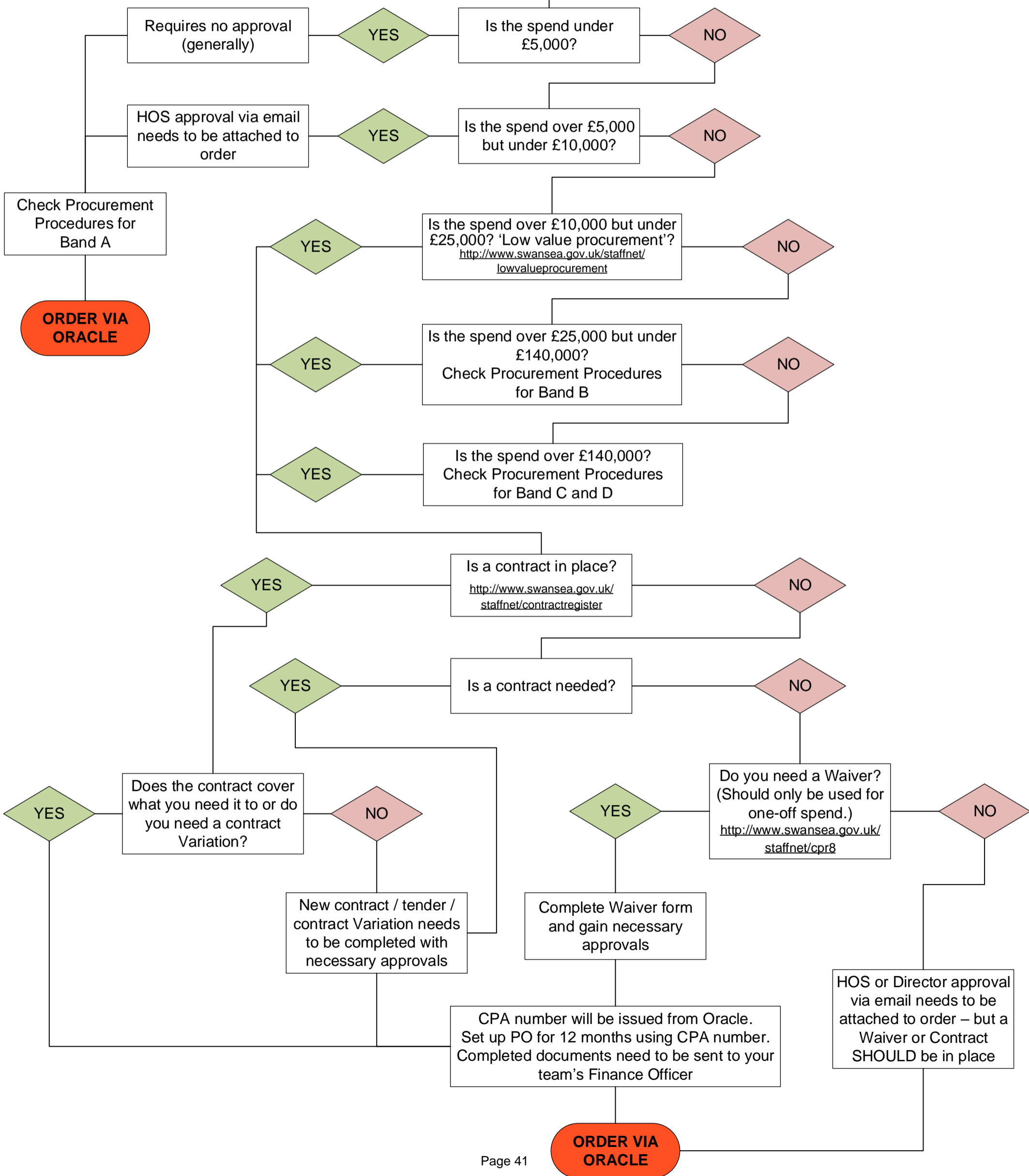
Procurement training and guidance tools are available at:  
<http://www.swansea.gov.uk/staffnet/procurementtrainingandguidance>

**STEP 1**  
**Plan Expenditure**

- Is it necessary?
- How could it be paid?
- Are there any spending restrictions?  
<http://www.swansea.gov.uk/staffnet/SpendingRestrictions>

**STEP 2**  
**Consider Purchasing procedures**

- <http://www.swansea.gov.uk/staffnet/procurement>
- How much is the spend?
- One off spend or ongoing?



# Agenda Item 7

## Project Plan - Inquiry into Procurement

Date/Venue	Evidence Gathering Activity	
Procurement Pre-Inquiry Scrutiny Working Group 24 Oct 19 and Revisited 24 Jun 21	Overview of subject area with key officers and Lead Cabinet Member for Procurement. <ul style="list-style-type: none"> <li>• Provide an overview of the structure and make-up of the service, the legal frameworks we work under and the key influencers.</li> <li>• Provide the Procurement Strategy for Swansea</li> <li>• Outline Procurement Framework and probity, legislative and policy influences (national, local and Europe)</li> </ul>	
Evidence gathering - Internal		
<b>Session 1</b> 27 Jul 21	<b>Internal Audit</b>	
<b>Session 2</b> 16 Aug 21	<b>Place</b>	Departmental perspectives/procurement activities: <ul style="list-style-type: none"> <li>• Positive social/local procurement activities</li> <li>• Environmental, ethical and sustainable procurement</li> <li>• Case studies</li> <li>• Consistency in following practice/procedures</li> <li>• Monitoring and enforcing SLAs/contract terms</li> <li>• Joint Procurement activities</li> <li>• Specific legislative/policy influences</li> </ul>
<b>Session 3</b> 13 Sep 21	<b>Social Services</b> (including commissioning aspects)	
<b>Session 4</b> 27 Sep 21	<b>Education Corporate centre</b>	
Consultation activities - External		
<b>Session 5</b> 20 Oct 21	Talk to others - local businesses and stakeholders – roundtable meeting remotely	
<b>Session 6</b> 10 Nov 21	<ul style="list-style-type: none"> <li>• Submissions received from call for evidence</li> <li>• Social and local procurement ...look at practice elsewhere including Cardiff and Preston's socially responsible procurement info.</li> <li>• Any useful survey or comparison data readily available</li> </ul>	
<b>TBC</b>	<ul style="list-style-type: none"> <li>• Attend procurement/buyer meeting/event - tbc</li> </ul>	
Concluding Inquiry		
<b>Meeting 7</b> 24 Nov 21	Findings report and discussion	
<b>Meeting 8</b> 31 Jan 22	Draft Final Report (informal meeting)	
<b>Meeting 9</b> 15 Feb 22	Final Report agreed by Panel (then submitted to Scrutiny Programme Committee on 15 Jul 21 and Cabinet on 21 Apr 21)	

